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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/729,394	12/04/2000	Matthew S. Kissner	F-223	6441

919 7590 05/21/2003

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EXAMINER

BACKER, FIRMIN

ART UNIT

PAPER NUMBER

3621

DATE MAILED: 05/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/729,394

Applicant(s)

KISSNER ET AL.

Examiner

Firmin Backer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 12-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 12-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

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Response to Amendment

This is in response to an amendment file on March 7th, 2003 for letter for patent filed on December 4th, 2000 in which claims 1-18 were presented for examination. In the amendment, claims 1, 6, and 10 have been amended. Claims 17-18 are added to the letter Claims 1-18 remain pending in the letter.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3, 4, 10, 14 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Sansone et al '373.

Sansone et al '373, figure 2, disclose a data center, element 23, for giving rebates to owners of a postage kiosk such that Applicants' computer reads on element 27 and column 3, lines 24 – 27, Applicants' means for determining a rebate reads on element 26 and elements 61 and 62 (figure 5), and Applicants' means for sending the rebate reads on element 28 and column 3, lines 59 – 61.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sansone et al '373.

Although Sansone et al '373 do not disclose that the rebate can be given in the form of a check, it is considered old and well known for rebates to be provided in the form of a check; e.g., when purchasing items offering rebates, the customer frequently receives his/her rebate via a check. Therefore, it is considered that it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the meter owner with a check rather than crediting the rebate amount to the owner's credit line, as disclosed by Sansone et al '373, as a matter of design preference.

5. Claim 5, 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sansone et al '373 in view of Walker et al.

Regarding claims 5, 8 and 9:

Although Sansone et al '373 do not specify the rebate in the form of a certificate, Walker et al teach that rebates can be in many forms, one of which is given in the form of a discount coupon (certificate). Therefore, it is considered that it would have been obvious to one of ordinary skill in the art at the time of the invention to give rebates in the form of a coupon (certificate) as a matter of design preference as the purpose, whether in check form, percentage off of a purchase or a coupon is one of many methods of rewarding a purchaser.

Regarding claim 7:

Although neither Sansone et al '373 nor Walker et al teach sending the certificate to the customer to a facsimile, meter or e-mail address, it is considered old and well known that

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coupons/certificates and any other communications may be sent to a person via; e.g., a facsimile address.

Regarding claim 12:

Walker et al teach that the amount of a rebate can be the result of calculating a percentage of the customer's purchases (amount spent). Therefore, it is considered that it would have been obvious to one of ordinary skill in the art at the time of the invention to calculate the rebate disclosed in Sansone et al '373 by utilizing the percentage of postage purchased by a customer.

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Engel et al.

Engel et al discloses cryptographically securing a coupon. Therefore, it is considered that it would have been obvious to one of ordinary skill in the art at the time of the invention to make the coupon of Walker et al cryptographically secure as this would prevent the fraudulent use of coupons and hence loss of profit for the issuer/redeemer.

7. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sansone et al '373 in view of Walker et al and Engel et al.

See the art rejection of claims 5 and 6, discussed above.

Regarding claims 17 and 18, they disclosed the same inventive concept as claim 1-16, therefore, they are rejected under rationale.

Response to Arguments

Applicant's arguments filed March 7th, 2003 have been fully considered but they are not persuasive.

- a. Applicant argues that the added limitation in claims 1 and 10 "a rebate based on the current postage refill amount" is not inherent". Examiner respectfully disagrees with applicant's characterization of Sansone et al's inventive concept. Sansone teach and inventive concept that provides a postal kiosk that contains a postage meter or franking machine. The kiosk also contains a postage meter secure classifier; and a modem link, which communicates with a data center, that is located at a different location. The secure classifier records every time postal funds are dispensed by the postal meter and classifies the postal transactions of the postage meter into various categories, which are then stored in funds registers memory. The modem link communicates with the secure classifier and the data center, during a postage meter refill, by exchanging funds and information so that proper rebates will be applied to the kiosk owner. Thus, the data center may also be used to supply additional funds or refills to the postage meter contained within the kiosk (*see summary of the invention*).

Conclusion

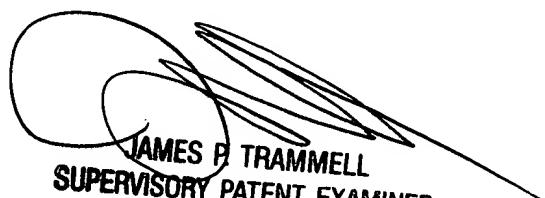
THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

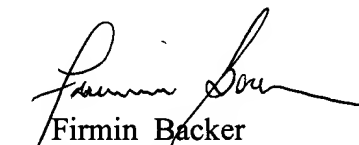
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Firmin Backer whose telephone number is (703) 305-0624. The examiner can normally be reached on Mon-Thu 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (703) 305-9768. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.


JAMES P. TRAMMELL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

May 16, 2003


Firmin Backer
Examiner
Art Unit 3621